

Attorney Docket No.: 5405-374

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Batinic-Haberle et al.
Serial No.: 10/588,332
Filing Date: March 22, 2007
For: SUBSTITUTED PORPHYRINS

Confirmation No.: 5716
Art Unit: 1624
Examiner: Ward, Paul V.

Date: February 24, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT OF JANUARY 7, 2009

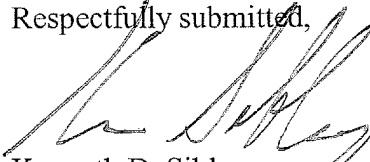
Sir:

This is in response to the Requirement for Restriction, mailed January 7, 2009. If any extension of time for the accompanying response beyond that filed concurrently herewith, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Applicants hereby elect **Group IV** for substantive examination.

The Requirement for Restriction is respectfully traversed. It is respectfully submitted that all groups are related to one another and that they contain a common core porphyrin structure with only different substituents thereon. It is submitted that a search of one group would overlap with the search of the other groups. It is submitted that the unity of invention requirement is met by the presence of the common porphyrin core structure. Accordingly, it is respectfully submitted that these groups should be examined together.

Respectfully submitted,


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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on February 24, 2009.

Signature: _____
Sarah Abraham

